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OFFICE OF PETITIONS

In re Application of Chen
Application No. 10/759,039
Filing Date: January 20, 2004
For: Touch-Control Floor Lamp

Decision on Petition

This is a decision on the petition under 37 CFR 1.181, filed May 6, 2005, and supplemented September 22, 2005, to withdraw the holding of abandonment.

The petition is **granted**.

The above-identified application was deemed abandoned for failure to reply in a timely manner to the non-final Office action mailed June 15, 2004, which set a shortened statutory period for reply of three (3) months. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, the above-identified application deemed abandoned as of September 16, 2004. A Notice of Abandonment was mailed on January 11, 2005.

Petitioner contends the non-final Office action was never received.

The evidence of record is sufficient to establish non-receipt of the non-final Office action.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Technology Center Art Unit 2875 will be informed of the instant decision. Thereafter, the Technology Center's technical support staff will mail a new copy of the non-final Office action. The time period for responding to the new non-final Office action will be set to run from the mailing date of the new non-final Office action.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

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